

CHAPTER 12-46 NORTH DAKOTA YOUTH CORRECTIONAL CENTER

12-46-01. Youth correctional center - Location - Purpose - Name. The North Dakota youth correctional center must be located at the city of Mandan in the county of Morton. The North Dakota youth correctional center is the general reform and correctional facility of the state for the detention, instruction, and reformation of juveniles of both sexes who are committed to it according to law.

12-46-02. Within jurisdiction of Morton County. The North Dakota youth correctional center and grounds and premises thereof, for the purpose of all judicial proceedings, shall be deemed to be within and a part of the county of Morton, and the courts of said county shall have jurisdiction of all crimes or public offenses committed within the same.

12-46-03. Officers of the North Dakota youth correctional center. The officers of the North Dakota youth correctional center must be a superintendent and such teachers and assistants as may be deemed necessary and recommended by the superintendent and approved by the director of the division of juvenile services.

12-46-04. Appointment and removal of officers. The director of the division of juvenile services with the approval of the director of the department of corrections and rehabilitation shall appoint the superintendent. The superintendent may be removed by the director of the division of juvenile services with the approval of the director of the department of corrections and rehabilitation for misconduct, neglect of duty, incompetency, or other proper cause showing an inability or refusal to properly perform the duties of the office. All other officers and employees must be appointed by the superintendent, subject to the approval of the director of the division of juvenile services. The superintendent shall show in the record of any officer or employee who is discharged by the superintendent the reason therefor.

12-46-05. Oath of superintendent. The superintendent, before entering upon the duties of the office, shall take the oath prescribed for civil officers. The oath must be filed and retained in the office of the state treasurer.

12-46-06. Salary of superintendent, officers, and employees. The superintendent shall receive a salary to be fixed by the director of the division of juvenile services with the approval of the director of the department of corrections and rehabilitation within the limits of legislative appropriations. All other officers and employees of the school shall receive salaries determined by the superintendent and approved by the director of the division of juvenile services.

12-46-07. Members of board and officers of institutions not to be interested in certain contracts. Repealed by S.L. 1975, ch. 106, § 673.

12-46-08. Officers to be furnished food supplies. Repealed by S.L. 1971, ch. 501, § 2.

12-46-09. Superintendent may make rules. The superintendent, subject to the approval of the director of the division of juvenile services, shall make rules and regulations not in conflict with the laws of this state:

1. For the admission of visitors.
2. For the government of officers and employees of the North Dakota youth correctional center.
3. For the conduct of students committed to the North Dakota youth correctional center.

A printed copy of the rules and regulations must be furnished to each student committed to the North Dakota youth correctional center at the time the student is received and to each officer or employee at the time of hire. Two copies of such rules must be furnished to the state law library for the use of the state officials and the public.

12-46-10. Records of institutional transactions, complaints, and rule infractions.

The superintendent shall cause to be kept a correct record of all the transactions of the office and a correct account of all the superintendent's doings. The superintendent shall keep a memorandum of every complaint of cruel and unjust treatment of any officer or other person, and also of any infraction of the rules and regulations of the school by any of the students committed thereto, naming the student, and specifying the offense and the punishment, if any, inflicted therefor, and such record and memorandum must be laid before the director of the division of juvenile services upon request.

12-46-10.1. Disciplinary committee - Members - Duties. The superintendent of the North Dakota youth correctional center shall appoint a disciplinary committee. The membership of this committee should include one cottage supervisor, one member of the professional staff, and may include one student and one member of the general public, as determined by the superintendent. The committee shall hear all charges of serious breach of discipline and recommend to the superintendent what disciplinary action should be administered. The committee shall maintain records of its actions. These records are subject to review by the director of the division of juvenile services, the attorney general, or any legislative committee upon request. Nothing in this section may be construed to prevent the superintendent from placing a child under close supervision immediately after that child commits a serious breach of discipline, however, within forty-eight hours the disciplinary committee shall hear the case and make its recommendations to the superintendent concerning further action to be taken, if any.

12-46-11. Duties of subordinates and teachers. All officers, teachers, and persons employed about the North Dakota youth correctional center shall perform such duties in the oversight and charge thereof, the use and care of the property belonging thereto, and the custody, government, instruction, discipline, and employment of the persons committed to said institution as shall be required of them by the superintendent in conformity with law and the rules and regulations of the school.

12-46-12. Child under twelve years not committed to North Dakota youth correctional center. No child under the age of twelve years shall be committed to the North Dakota youth correctional center.

12-46-13. Who may be sent to North Dakota youth correctional center - Court procedure. Whenever a district court finds an offender under eighteen years of age guilty of a crime and commits the offender to the custody of the department of corrections and rehabilitation, the department may transfer the offender to the North Dakota youth correctional center; however, the department shall first transfer the offender to the North Dakota youth correctional center if the offender is under sixteen years of age. The department may transfer an offender who is between sixteen years of age and eighteen years of age to an adult correctional facility after the department has given the offender an administrative hearing to determine if the interests of the department, the safety of other residents, or the interests of the general public justifies the transfer. The department may allow an offender who is between eighteen years of age and twenty years of age to remain at the North Dakota youth correctional center if the department determines that it is in the best interests of the department and the offender and it is not contrary to safety interests of the other residents or the general public. The department shall transfer an offender who has attained twenty years of age to an adult correctional facility. An offender placed by the department at the North Dakota youth correctional center under this section has all the rights to sentence reduction for good and meritorious conduct and all the pardon and parole rights of an adult committed to the legal and physical custody of the department.

12-46-14. Transportation of persons committed to North Dakota youth correctional center. The juvenile supervisor, or other officer or person designated by the court at the time

commitment is ordered, shall conduct to the North Dakota youth correctional center all persons committed to it. Such person shall receive the amount of mileage allowed in section 11-15-25.

12-46-15. Contents of order of commitment. Every order of commitment to the custody of the division of juvenile services grants full authority for treatment and transfer of any student to the administrators of the North Dakota youth correctional center as provided by law, however, every order of commitment must specify the date, as near as may be ascertained by the juvenile court, at which the accused will attain majority. The date so ascertained and specified is conclusive for all purposes connected with the youth correctional center. The committing judge shall make available to the division all pertinent data, reports, evaluations, and documents in the court's possession with respect to the child at the time of commitment or immediately thereafter.

12-46-16. Person committed or sentenced to North Dakota industrial school a minor until eighteen. Repealed by S.L. 1975, ch. 109, § 8.

12-46-17. Incurrible student returned to sheriff - Original proceedings continued. If any person who has been convicted of a felony and is committed to the custody of the division of juvenile services and transferred to the North Dakota youth correctional center is or becomes incurrible and manifestly or persistently dangerous to the good order, government, and welfare of the center or its students, the director of the division of juvenile services shall order the person returned and delivered to the sheriff of the county from which committed, and the proceedings against the person thereafter must be resumed and continued as though no order or warrant of commitment had been made.

12-46-18. Employment and compensation of persons committed. Every person committed to the custody of the division of juvenile services and transferred to the North Dakota youth correctional center or its auxiliary facilities may receive a stipend as determined by the superintendent, and approved by the director of the division of juvenile services, within the limits of appropriations made by the legislative assembly for such purpose.

12-46-19. Disposition of moneys earned. The superintendent of the North Dakota youth correctional center shall keep a students' account ledger, in which shall be opened an account with each student. The earnings of each student may be used for personal needs as approved by the superintendent.

12-46-20. Forfeiture of earnings on escape or violation of parole. In case any inmate escapes or violates his parole, the money credited to such inmate's account which remains unexpended at the time of his escape or violation of parole may be used to pay the expense of his apprehension, capture, and return. In case there remains money to the credit of such inmate after deducting said expenses, such money shall revert back immediately to the fund from which it was drawn originally.

12-46-21. Aiding inmates to escape - Misdemeanor. Repealed by S.L. 1975, ch. 106, § 673.

12-46-22. Service of process. All process to be served within the grounds or premises of the North Dakota youth correctional center, either upon persons detained thereat or committed thereto or upon officers or persons, except the superintendent, employed within the grounds or premises thereof, shall be served and returned by the superintendent. All officers or persons in charge of or caring for any inmate or person committed to the North Dakota youth correctional center, at any place, shall be deemed to be within its grounds and premises.

12-46-23. Officers and employees exempt from jury duty. Repealed by S.L. 1977, ch. 113, § 1.

12-46-24. Prohibition on delivery or possession of alcoholic beverages or controlled substances to or by students - Penalties.

1. It shall be unlawful for any person to deliver or administer, whether or not for a consideration, any alcoholic beverage or controlled substance to any student, or to any other person for redelivery or administration to a student, during the time of the student's commitment to the North Dakota youth correctional center. This subsection shall not apply to the delivery or administration of controlled substances or alcoholic beverages in accordance with the orders or prescription of a duly licensed physician and the approval, except in emergency circumstances, of the superintendent.
2. No student shall, during the student's commitment to the North Dakota youth correctional center, possess any controlled substance or alcoholic beverage unless the substance or beverage was delivered to the student or was possessed in accordance with the prescription or orders of a licensed physician.
3. Any person, other than an official or employee of the North Dakota youth correctional center, who violates subsection 1 by delivering or administering a controlled substance is guilty of a class B felony. Any official or employee of the North Dakota youth correctional center who violates subsection 1 by delivering or administering a controlled substance is guilty of a class A felony. Any person who violates subsection 1 by delivering an alcoholic beverage is guilty of a class A misdemeanor.
4. Any person who violates subsection 2 by possessing a controlled substance shall be guilty of a class B felony. Any person who violates subsection 2 by possessing alcoholic beverages shall be guilty of a class A misdemeanor. The district court may waive juvenile jurisdiction over a child above sixteen years of age charged with an offense under subsection 2. The person shall then be transferred to the appropriate court for criminal prosecution.
5. As used in this section, "controlled substance" is as defined in subsection 6 of section 19-03.1-01 and includes counterfeit substances as defined in subsection 7 of section 19-03.1-01.

12-46-25. Youth correctional center career and technical education shop revolving fund. There must be maintained in the Bank of North Dakota by the North Dakota youth correctional center a career and technical education shop revolving fund to purchase required parts and supplies for student career and technical education training projects. The amounts taken from the fund must be paid back to the fund from collections made on these projects. The provisions of section 54-27-10 do not apply to this fund and no part of the fund reverts at the expiration of any biennium.